

ATTACHMENT H

NATIONAL CHEMICAL DEMILITARIZATION WORK GROUP

(4 Sheets)

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ATTACHMENT I

**TEXAS INDUSTRIES, INC. DRAFT RCRA PERMIT
GENERAL FACILITY CONDITIONS**

(7 Sheets)

NAME: TXI Operations, LP

PERMIT SECTION I - GENERAL PERMIT CONDITIONSA. SIZE AND LOCATION OF SITE

A permit is issued to TXI Operations, LP (hereafter called the permittee), to operate a hazardous waste processing, and storage facility located at 245 Ward Road, in Ellis County, Texas, drainage area of Segment 805 in the Trinity River Basin (North Latitude 32° 27' 57.5", West Longitude 97° 01' 42"). The legal description of the site submitted in permit No. HW-50316-001 application dated June 18, 1993 is hereby made a part of this permit as "Attachment A". The hazardous waste management facility as delineated by the permittee's application map is hereby made a part of this permit as "Attachment B".

B. PERMIT APPLICATION

This permit is based on the information submitted in the Part B Permit Application June 18, 1993, revised October 22, 1993, February 7, 1994, February 23, 1994, August 25, 1994, August 7, 1995, August 22, 1995, September 2, 1995, September 5, 1995, January 19, 1996, March 20, 1996, April 18, 1996, September 10, 1996, September 26, 1996, October 30, 1996 and December 6, 1996 (hereafter referred to as the Part B Application), which has been certified by the applicant to be accurate. The facility will be constructed and operated as specified in the Part B Application and this permit.

C. AUTHORIZED UNITS AND WASTES

1. The permittee is authorized to operate the facility units listed in "Attachment C" for storage and processing subject to the limitations herein. All waste management activities not otherwise exempted from permitting under 30 Texas Administrative Code (TAC) 335.2 shall be confined to authorized facility units listed in "Attachment C". References hereinafter in this permit to "TNRCC Permit Unit No. ____" shall be to the facility units listed in "Attachment C."
2. The permittee is authorized to manage hazardous wastes listed in the application and described herein, subject to the limitations provided herein.

Wastes authorized for storage, and processing include those generated from facility sources and from off-site sources. Hazardous and nonhazardous industrial solid wastes authorized to be managed under this permit are limited as follows:

- a. The hazardous wastes must be in the Hazard Code Groups (as prescribed by U. S. Environmental Protection Agency (EPA) regulations in effect upon date of permit approval) indicated below:

<u> x </u> Ignitable (I)	<u> x </u> Acute Hazardous Waste (H)
<u> x </u> Toxic (T)	<u> x </u> Toxicity Characteristic (E)
<u> x </u> Corrosive ©	<u> x </u> Reactive (R)

[I.C.2.]

<u>Waste Descriptions</u>	<u>EPA Hazard Codes</u>
Organic Wastewaters	I, H, E, C, R
Organic Liquids	I, T, H, E, C, R
Organic Semisolids	I, T, H, E, C, R

NAME: TXI Operations, LP

3. The wastes authorized in Provisions I.C.2.a. and b. (Authorized Wastes) shall not contain any of the following:
- a. Polychlorinated biphenyl (PCB) waste, as defined in 40 CFR § 761.3;
 - b. Radioactive or nuclear waste material, which requires specific licensing or permitting under Chapter 401 of the Texas Health and Safety Code and the rules of the Texas Natural Resource Conservation Commission or Texas Department of Health or Texas Railroad Commission; and/or any other rules of state or federal authorities;
 - c. Explosive material, as defined by the Department of Transportation under 49 Code of Federal Regulations (CFR) Part 173;
 - d. Dioxin-containing wastes, identified by EPA as F020, F021, F022, F023, F026, and F027 wastes in 40 CFR 261.31;
 - e. Containerized gases;
 - f. Municipal garbage;
 - g. Infectious wastes;
 - h. Medical wastes;
 - j. Wastes displaying the Characteristic of Reactivity as defined at 40 CFR 261.23; or
 - k. Wastes that are not pumpable.
4. Prior to accepting any additional wastes not authorized by Provisions I.C.2.a. and b. (Authorized Wastes), the permittee shall follow the permit modification requirements listed in 30 TAC Section 305.69.

D. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

[I.]

E. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as those in 30 TAC Chapters 305 and 335, unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

Application data - data used to complete the final application and any supplemental information.

F. STANDARD PERMIT CONDITIONS

1. Permit Expiration

In order to continue a permitted activity after the expiration date of the permit the permittee shall submit a new permit application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Executive Director. Authorization to continue such activity will terminate upon the effective denial of said application.

2. Duty to Comply

[30 TAC 305.142] The permittee must comply with all the conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency order issued by the Commission. Any permit noncompliance, other than noncompliance authorized by an emergency order, constitutes a violation of RCRA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Certification Requirements

[30 TAC Section 305.144] For a new facility, the permittee may not commence storage, processing, or disposal of solid waste; and for a facility being modified, the permittee may not process, store or dispose of solid waste in the modified portion of the facility, except as provided in 30 TAC Section 305.69 (relating to Solid Waste Permit Modification at the Request of the Permittee) until the following has been accomplished:

[I.F.3.]

- a. The permittee has submitted to the Executive Director and the local Regional Office of the TNRCC, by certified mail or hand delivery, a letter signed by the permittee, and signed and sealed by a Texas Registered Professional Engineer stating that the facility has been constructed or modified in compliance with the permit. If the certification is being provided to document proper closure of a permitted unit, or to certify installation or repair of a tank system, then the certification must be signed and sealed by an independent Texas registered Professional Engineer. Required certification shall be in the following form:

"This is to certify that the following activity (Specify activity, e.g., construction, installation, closure, etc., of an item) relating to the following item (Specify the item, e.g., the particular facility, facility unit, unit component, subcomponent part, or ancillary component), authorized or required by TNRCC Permit No. HW-50316-001, has been completed, and that construction of said facility component has been performed in accordance with and in compliance with good engineering practices and the design and construction specifications of Permit No. HW-50316-001."

- b. A certification report has been submitted, with the certification described in Provision I.F.3.a., which is logically organized and describes in detail the tests, inspections, and measurements performed, their results, and all other bases for the conclusion that the facility unit, unit component, and/or closure have been constructed, installed and/or performed in conformance with the design and construction specifications of this permit and in compliance with this permit. The report shall describe each activity as it relates to each facility unit or component being certified including reference to all applicable permit provisions. The report shall contain the following items, at a minimum:

- (1) Scaled, as-built plan-view and cross-sectional drawings which accurately depict the

- (2) All necessary references to dimensions, elevations, slopes, construction materials, thickness and equipment; and
 - (3) For all drawings and specifications, the date, signature, and seal of a Professional Engineer who is registered in the State of Texas.
- c. The Executive Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or if within 15 days of submission of the letter required by paragraph (a) of this section, the permittee has not received notice from the Executive Director of the intent to inspect, prior inspection is waived and the permittee may commence processing, storage, or disposal of solid waste.

[I.F.]

4. Monitoring and Records

- a. [30 TAC Section 305.125(11)(A)] Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity. The method used to obtain a representative sample of the material to be analyzed shall be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the Executive Director of the TNRCC. Laboratory methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, 1987, as revised; *Standard Methods for the Examination of Water and Wastewater*, Fifteenth Edition, 1980, and 1981 supplement, or current edition; *RCRA Ground-Water Monitoring Technical Enforcement Guidance Document*, 1986, OSWER Directive 9950.1, or an equivalent method, as specified in the Waste Analysis Plan, Section IV of the Part B Application, and as approved by the Executive Director.
- b. [30 TAC Section 305.125(11)(B)] The permittee shall retain in an organized fashion and furnish to the Executive Director, upon request, records of all monitoring information, copies of all reports and records required by this permit, and the certification required by 40 CFR 264.73 (b)(9), for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application.
- c. [30 TAC Section 305.125(11)(C)] Records of monitoring shall include the following:
 - (1) The date, time, and place of sample or measurement;
 - (2) The identity of individual who collected the sample or measurement;
 - (3) The dates analyses were performed;
 - (4) The identity of individual and laboratory who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses or measurements.

5. Retention of Application Data

[30 TAC Section 305.47] A permittee shall keep records throughout the term of the permit of data used to complete the final application and any supplemental information. All copies of renewals, amendments, revisions and modifications must also be kept at the facility such that the most current documents are available for inspection at all times. All materials, including any related information, submitted to complete the application shall be retained, not just those materials which have been incorporated into the permit.

[I.F.]

6. Modification of Permitted Facilities

The facility units and operational methods authorized are limited to those described herein and by the application submittals identified in Provision I.B. (Permit Application). All facility units and operational methods are subject to the terms and conditions of this permit and TNRCC rules. Prior to constructing or operating any facility units in a manner which differs from either the related plans and specifications contained in the permit application or the limitations, terms or conditions of this permit, the permittee must comply with the TNRCC permit amendment/modification rules as provided in 30 TAC Sections 305.62 and 305.69.

7. Prohibition on Air Pollution

Emissions from this facility must not cause or contribute to a condition of "air pollution" as defined in Section 382.003 of the Texas Health and Safety Code Ann. or violate Section 382.085 of the Texas Health and Safety Code Ann. If the Executive Director of the TNRCC determines that such a condition or violation occurs, the permittee shall implement additional abatement measures as necessary to control or prevent the condition or violation.

8. Requirements for Subparts AA and BB

a. The permittee must comply with the requirements of 30 TAC Section 335.152(a)(16)/40 CFR 264 Subpart AA and 30 TAC Section 335.152(a)(17)/40 CFR 264 Subpart BB, as applicable. Within 180 days of the effective date of this permit, and semiannually thereafter, the permittee shall submit to the Executive Director of the TNRCC, through the Industrial and Hazardous Waste Permits Section, the reports required by 40 CFR §§ 264.1036 and 264.1065, as applicable.

(1.) If a closed-vent system and control device is installed to comply with the requirements in 30 TAC Section 335.152(a)(16)/40 CFR 264.1032(a)(2), provide the following:

I) An implementation schedule that includes dates by which the closed vent system and control device will be installed and in operation [30 TAC Section 335.152(a)(16)/40 CFR 264.1033(a)(2)].

ii) The type of control device under 30 TAC Section 335.152(a)(16)/40 CFR 264.1033 to be installed (e.g., vapor recovery, flare, etc...).

9. Land Disposal Restrictions

The permittee shall comply with the applicable land disposal restrictions as found in 40 CFR 268 and any subsequent applicable requirements promulgated through the Federal Register. Requirements include modifying/amending the permittee's waste analysis plan to include analyses to determine compliance with applicable treatment standards or prohibition levels, pursuant to 40 CFR 268.7 and 264.13(a).

10. Notification of Release From Solid Waste Management Unit
(Texas Health and Safety Code, Section 361.303)

- a. The permittee shall notify the Executive Director of the TNRCC of any historical or current release of hazardous waste or hazardous constituents to the environment that may have occurred or is occurring from any solid waste management unit (SWMU) at the facility regardless of when the release occurred, may have occurred, or is occurring, and regardless of when waste was placed in any unit. This notification shall be made in writing within 15 days of the time the permittee determines that a release has occurred. If such a release is discovered, the permittee must submit, to the Executive Director, a request for a major permit amendment or permit modification pursuant to §361.089, Texas Solid Waste Disposal Act, Texas Health and Safety Code Ann. Chapter 361 (Vernon), as necessary to incorporate appropriate corrective action into the permit. In response to such a release, the Commission may require the adoption of (1) a ground-water compliance plan; (2) a permit amendment or modification; (3) an order; or (4) an other action deemed necessary by the Commission. Pursuant to such action required by the Commission, the permittee shall then conduct timely corrective action for the release.
- b. Within forty-five (45) days of becoming aware of a SWMU not previously addressed in the RCRA Facility Assessment (RFA) dated August 4, 1990, or after obtaining new information or evidence on a SWMU which could indicate a high release potential, the permittee shall submit an RFA for that unit which shall include a preliminary assessment and visual inspection as well as recommendations as to whether further investigation is warranted. The preliminary assessment shall include all information regarding the SWMU to determine if there has been or is currently a release of hazardous waste or hazardous constituents from the unit. Based upon this information, the Executive Director may require one of the actions stated in Provision I.F.10.a. (Notification of a Release from a Solid Waste Management Unit), above.

11. Waste Minimization

The permittee shall annually certify, by January 25th for the previous calendar year, the following information, [40 CFR 264.73(b)(9)]:

[I.F.11.]

- a. that the permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the permittee's facility operation to the degree determined to be economically practicable; and
- b. that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment. This waste minimization certification is to be included in the facility operating records until closure.

12. Annual Report

The permittee shall prepare and submit to the Executive Director an Annual Report. One copy of the report shall be submitted to the TNRCC Industrial and Hazardous Waste Permits Section and an additional copy shall be submitted to the appropriate TNRCC Regional Office by January 25th of each year for the preceding year's activities. This report shall include at a minimum, the following information:

- a. All information and records required by 30 TAC Section 335.154;
- b. Summary of any major construction and/or expansion of hazardous waste management areas at the facility during the year;
- c. Summary of the annual cost estimate adjustments for facility closure and post-closure care;

13. Annual Waste Summary

The permittee shall submit to the TNRCC Industrial and Hazardous Waste Division Waste Evaluation Section, on or before January 25 of each year, a complete and correct Annual Waste Summary, as per the requirements of 30 TAC Section 335.9(a)(2). This summary shall detail the management of each hazardous waste and Class 1 waste generated onsite during the previous calendar year. The Annual Waste Summary shall be submitted in a form provided or approved by the Executive Director.

14. Biennial Report

As per 30 TAC Section 335.71, generators subject to the EPA Biennial Reporting requirement, upon request by the TNRCC, shall submit to the TNRCC information as required under 40 CFR 262.41. Unless specific information is requested by the TNRCC for a biennial report year, the provisions of 30 TAC Section 335.71 are met by satisfying the requirements of 30 TAC Sections 335.9(a)(2) and 335.6 (Notification Requirements).

[I.F.]

15. Pollution Prevention

Facilities subject to 30 TAC Chapter 335, Subchapter Q - Pollution Prevention: Source Reduction and Waste Minimization, must prepare a five year Source Reduction and Waste Minimization Plan and submit a Source Reduction and Waste Minimization Annual Report (SR/WM Annual Report) to the TNRCC Office of Pollution Prevention and Recycling. This report must be submitted annually on the dates specified in the rule.

ATTACHMENT J

**ANNISTON CHEMICAL DEMILITARIZATION FACILITY FINAL RCRA PERMIT
MODULE I, STANDARD PERMIT CONDITIONS**

(23 Sheets)

MODULE I STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

1. The Permittee is allowed to store and treat hazardous waste or chemical agent in accordance with the conditions of this Permit and in accordance with ADEM Admin. Code 335 Division 14. The Permittee is allowed to store hazardous waste or chemical agent in containers, treat and store hazardous waste or chemical agent in tanks, treat hazardous waste or chemical agent in miscellaneous treatment units, and treat hazardous waste or chemical agent by incineration at the ANCDF site. The Permittee is also allowed to accumulate hazardous waste onsite for less than 90 calendar days pursuant to ADEM Admin. Code R. 335-14-3-.03(5). Within the Anniston Army Depot (ANAD), the Permittee is allowed to continue interim status storage of hazardous waste in containers in Building 512 and in igloos until final permit determinations are made and/or interim status is terminated. Within the ANAD, the Permittee is allowed to continue interim status treatment of hazardous waste by open burning and open detonation (OB/OD) in accordance with ADEM Admin. Code R 335-14-6-.16(13) in designated OB/OD areas, until final permit determinations are made and/or interim status is terminated. Any treatment, storage, or disposal of hazardous waste or chemical agent not authorized in this permit, by ADEM Admin. Code R. 335 Division 14 or any other Resource Conservation and Recovery Act (RCRA) permit is prohibited.
2. Pursuant to ADEM Admin. Code R. 225-14-8-.01(4), compliance with this permit constitutes compliance, for purposes of enforcement, with Alabama Hazardous Waste Management and Minimization Act (AHWMMA) and RCRA, as amended by Hazardous and Solid Waste Amendments (HSWA), except for those requirements not included in the requirements which become effective by statute, or future regulatory changes to include those requirements promulgated under ADEM Admin. Code R. 335-14-9 restricting the placement of hazardous waste in or on the land. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations. Compliance with the terms of this Permit does not constitute a defense to any action brought under Code of Alabama 1975, Section 22-30-1, et. Seq., as amended, or any other law governing protection of public health or the environment for any imminent and substantial endangerment to human health, welfare, or the environment.

I.B DEFINITIONS

For the purpose of this Permit, terms used herein shall have the same meaning as those in Chapters 335-14-1, 335-14-2, 335-14-5, and 335-14-8 of the ADEM Admin. Code, unless this Permit specifically provides otherwise; where terms are not otherwise defined, the meaning associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

“Active life” for the purpose of this Permit refers to the time period between receipt of the first batch of hazardous waste or chemical agent at the hazardous waste management site and certification of closure of the hazardous waste management site.

“Action levels” for the purpose of the Permit are health-based concentrations of hazardous constituents determined to be indicators for the protection of human health and/or the environment.

“ADEM” means the Alabama Department of Environmental Management as established by Code of Alabama 1975, § 22-22A-4.

“Area of concern” (AOC) for purposes of this Permit includes any area having a probable release of a hazardous waste, chemical agent, or hazardous constituent which is not from a solid waste management unit and is determined by the Department to pose a current or potential threat to human health or the environment. Such areas of concern may require investigations and remedial action as required under Section 3005 (c)(3) of the Resource Conservation and Recovery Act and ADEM Admin. Code R. 335-14-8-03(3) (b)2. in order to ensure adequate protection of human health and the environment.

“Chemical agent” for purposes of this Permit, includes the nerve agents VX or GB (Sarin) and the blister agent mustard (HD/HT dependent on mixture).

“Chemical Agent Free” for the purposes of this Permit refers to the condition of a material that, after being analyzed for all chemical agents, is determined to have chemical agent concentration below the lowest achievable detection limits as specified by the method.

The “Chemical Stockpile Disposal Program (CSDP)” means the program created by the Department of Defense to dispose of all of their stockpile of unitary chemical weapons.

“Contamination” for purposes of this Permit refers to the presence of any hazardous constituent in a concentration which exceeds the naturally occurring concentration of that constituent in the immediate vicinity of the facility (in areas not affected by the facility).

“Corrective action” for purposes of this Permit may include all corrective measures necessary to protect human health and the environment for all releases of hazardous waste, chemical agent, or hazardous constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in the unit, as required by ADEM Admin. Code R 335-14-5-.06(12). Corrective measures may address releases to air, soils, surface water, or groundwater.

A “Corrective Action Management Unit” (CAMU) for purpose of this Permit, includes any area within a facility that is designated by the Department under ADEM Admin. Code R. 335-14-5.19 for the purpose of implementing corrective action requirements under ADEM Admin. Code R 335-14-5-.06(12), 22-30-19 seq., Code of Alabama 1975, and/or RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

“Corrective measures” for purpose of this Permit, include all corrective action necessary to protect human health and the environment for all releases of hazardous waste, chemical agent, or hazardous constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in the unit, as required under ADEM Admin. Code R. 335-14-5-.06(12).

“Department” means the Alabama Department of Environmental Management as established by Code of Alabama 1975 § 22-22A-4.

“Extent of contamination” for the purpose of the Permit is defined as the horizontal and vertical area in which the concentrations of hazardous constituents in the environmental media being investigated are above detection limits or background concentrations indicative of the region, whichever is appropriate as determined by the Department.

“Facility” for purpose of this Permit includes Anniston Army Depot and any contiguous property and structures, other appurtenances, and improvements on the property, under the control of the owner or operator seeking a permit under Subtitle C of RCRA. For the purposes of implementing corrective action under ADEM Admin Code R. 335-14-5-.06(12) a facility includes all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA.

“Government furnished equipment (GFE)” is hazardous waste management unit (HWMU) equipment that shall be delivered to the site as a pre-fabricated assembly.

A “hazardous constituent” for purposes of this Permit are those substances listed in ADEM Admin. Code R. 334-14-2- Appendix VIII and/or Appendix IX of Chapter 335-14-5 and includes hazardous constituents released from solid waste, hazardous waste, chemical agent and hazardous waste constituents that are reaction by-products.

“Heel” refers to the amount by weight of chemical agent remaining in a munition or container after the munition or container has gone through the chemical agent draining process.

An “hourly rolling average” is the arithmetic mean of the 60 most recent 1-minute averages recorded.

“Interim Measures” for purposes of this Permit are actions necessary to minimize or prevent the further migration of contaminants and limit actual or potential human and environmental exposure to contaminants while long term corrective action remedies are evaluated and, if necessary, implemented.

“Land Disposal” for purposes of this Permit and Chapter 335-14-9 of the ADEM Admin. Code means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundments, waste pile, injection well, land treatment facility, salt dome formation, underground mine or cave, or concrete vault or bunker intended for disposal purposes.

“Landfill” for the purposes of this Permit includes any disposal facility or part of a facility where hazardous waste is placed in or on the land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection, well, a salt dome formation, a salt bed formation, and underground mine, a cave, or a corrective action management unit.

The “normal operating” period for a unit for the purposes of this Permit shall begin when all requirements provided in Module VI of this Permit for that unit have been met by the Permittee and approved by the Department, the Trial Burn results and the Health Risk Assessment provided for in Condition II.N. of this Permit have been evaluated and approved by the Department, and the applicable numerical values in the conditions and tables of Module VII of this Permit have been established and last until the unit re-enters a shutdown, trial burn or post trial burn period or until the unit treats the last batch of waste prior to beginning closure operations.

An “operating day” refers to a twenty-four (24) hour period during which operation occurred for any length of time.

The “operating record” for each site within the ANAD Facility shall be in written format or electronic format and must be immediately accessible for viewing and printing a hard copy.

“Post trial burn period” shall refer to the period of time extending from the completion of the final run of a trial burn as described in the trial burn plan for that unit until all requirements provided in Module VI of this Permit for that unit have been met by the Permittee and approved by the Department, the Trial Burn results and the Health Risk Assessment provided for in Condition II.N. of this Permit have been evaluated and approved by the Department, and the applicable numerical values in the conditions and tables of Module VII of this Permit have been established.

A “release” for purposes of this Permit includes any spilling, leaking, pouring, emitting, emptying, discharging, injection, escaping, leaching, pumping, or disposing into the environment of any chemical agent, hazardous waste or hazardous constituent.

“Remediation waste” for the Purposes of this Permit includes all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under ADEM Admin. Code R. 335-14-5-.06(12) and RCRA Section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA sections 3004(v) or 3008(h) for releases beyond the facility boundary.

“Shakedown period” shall refer to the period of time required to determine operational readiness extending from systemization until the beginning of the trial burn period.

“Shutdown” for the purposes of this Permit shall be defined as the normal procedure performed to bring the furnaces from a condition of ID and FD fans being operated or fuel being combusted in either chamber to a condition where no fuel is being combusted and ID and FD fans are not operating.

A “site” for the purposes of this Permit includes, but is not limited to, any permitted treatment, storage or disposal activity that may be comprised of one or more hazardous waste management units.

“Solid waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

A “solid waste management unit (SWMU)” for the purposes of this permit includes any unit which has been used for the treatment, storage or disposal of solid waste at any time, irrespective of whether the unit is or ever was intended for the management of solid waste. RCRA regulated hazardous waste management units are also solid waste management units. SWMUs include areas that have been contaminated by routine and systematic releases of chemical agent, hazardous waste or hazardous constituents, excluding one-time accidental spills that are immediately remediated and cannot be linked to solid waste management activities (e.g., product or process spills).

A “spend decontamination solution (SDS)” is a caustic or bleach solution that has been used to neutralize agent.

The standard Operating Procedure (SOP)” is a written description of the procedures by which a process, machine, etc. shall be operated. An SOP may be written by the manufacturer and/or the Army.

“Startup” for the purposes of this Permit shall be defined as the procedure and the period of time required to bring the furnaces from a state of no fuel being introduced to the combustion chambers and all FD and ID fans being off to a state at which all waste feed cut-off parameters are in compliance with the permitted conditions.

A “tank system” for the purposes of this Permit shall include the tank(s) and all primary and secondary sumps, pumps, valves, and associated piping and any other appurtenances.

“Trial burn period” shall refer to the period of time from the first run until the final run of the trial burn for that unit is completed as described in the trial burn plan for that unit.

A “unit” for the purposes of this Permit includes, but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit, incinerator, injection well, tank, container storage area, septic tank, drain field, wastewater treatment unit, elementary neutralization unit, transfer station, miscellaneous treatment unit, or recycling unit.

I.C. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in ADEM Admin. Code R. 335-14-8-.04 (2) through (4). The filing of a request for a permit modification, revocation and reissuance, or termination or the notification of planned changes anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. (ADEM Admin. Code R. 335-14-8-.03(1)(f)).

I.D. SEVERABILITY

The provisions of this Permit are severable and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. Invalidity of any State or federal statutory or regulatory provision which forms the basis for any condition of this Permit does not affect the validity of any other State or federal statutory or regulatory basis for said condition.

I.E. DUTIES AND RESPONSIBILITIES

1. DUTY TO COMPLY

The Permittee must comply with all conditions of this Permit except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of Code of Alabama 1975, Section 22-30-1 et. Seq., as amended, and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application. (ADEM Admin. Code R. 335-14-8-.03(1)(a)).

2. DUTY TO REAPPLY

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new permit. Notification shall be at least 180 calendar days before this Permit expires. (ADEM Admin. Code R. 335-14-8-.03(1)(b)).

3. PERMIT EXPIRATION

- I. This Permit and all conditions therein shall be effective for ten years from the effective date of this Permit. This Permit and all conditions therein shall remain in effect beyond the Permit's expiration date if the Permittee has submitted a timely, complete application and, through no fault of the Permittee, the Department has not made a final determination regarding reissuance of the Permit. (ADEM Admin. Code R 335-14-8-.05(1) and 335-14-8-.05(2)).
- ii. Total operating time for the LIC, DFS, MPF, DUN, and BRA units shall be no more than 36,000 operational hours for each unit, with no more than 60,000 operational hours in any consecutive twelve (12) month period for each unit.

4. CONTINUATION OF EXPIRING PERMIT

This Permit and all conditions herein shall continue in force until the effective date of a new permit, if the Permittee has submitted a timely application under ADEM Admin. Code R 335-14-8-.02(5) and the applicable paragraphs in ADEM Admin. Code R. 335-14-8-.02(6) through (20) which is a complete (under ADEM Admin. Code 335-14-8-.02(1)(c)) application for a new permit; and through no fault of the Permittee, the Department has neither issued or denied a new permit on or before the expiration date of this Permit. (ADEM Admin. Code R. 335-14-8-.05(2)).

5. OBLIGATION FOR CORRECTIVE ACTION

Owners or operators of hazardous waste management units must have all necessary permits during the active life (including the closure period) of the unit, and for any period necessary to comply with the corrective action requirements in Module VIII of this Permit. The corrective action obligations required by this permit shall continue regardless of whether the facility continues to operate or ceases operation and closes. The facility is obligated to complete facility-side corrective action regardless of the operational status of the facility.

6. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. (ADEM Admin. Code R. 335-14-8-.03(1)(c)).

7. DUTY TO MITIGATE

In the event of noncompliance with the Permit, the Permittee shall take all reasonable steps to minimize releases to the environment resulting from the noncompliance, and shall carry out such measures as are reasonable, to prevent significant adverse impacts on human health or the environment. (ADEM Admin. Code R. 335-14-8-.03(1)(d)).

8. PROPER OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance project plans (QAPP) to include following standard operating procedures (SOPs). The provision requires the operation of back-up or auxiliary equipment or similar systems only when necessary to achieve compliance with the conditions of this Permit. (ADEM Admin. Code R. 335-14-8-.03(1)(e)).

9. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the Department, within a reasonable time, any relevant information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Department upon request, copies of records required to be kept by this Permit. (ADEM Admin. Code R. 335-14-8-.03(1)(h)).

10. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow duly designated officers and the employees of the Department or their authorized representative to (ADEM Admin. Code R. 335-14-8-.03(1)(I)):

- i. Enter at reasonable times the Permittee's premises where the regulated facility or activity is located or conducted; or where records must be kept under the conditions of this Permit.
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit.
- iii. Inspect, at reasonable times, any facilities equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

- iv. Sample or monitor, at reasonable times, any substances or parameters at any location for the purposes of assuring permit compliance or as otherwise authorized by the AHWMMMA, as amended.
- v. The Permittee shall provide to the Department unrestricted real-time remote access to continuously monitored and recorded ANCDF site operating data and emissions monitoring data required by this Permit using a remote computer monitoring station.

11. MONITORING AND RECORDS

- i. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The methods used to obtain representative samples of the wastes to be analyzed must be the appropriate method from ADEM Admin. Code R. 335-14-2 Appendix I or the methods as specified in the Waste Analysis Plan included as Attachment 2 of this Permit. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods (SW-846, latest edition), Methods for Chemical Analysis of Water and Wastes (EPA-600/4-79-020), or the methods as specified in the attached Waste Analysis Plan. (ADEM Admin. Code R. 335-14-8-.03(1)(j)).
- ii. The Permittee shall retain records at the facility of all monitoring information, including all calibration and maintenance records, copies of all reports and records required by this Permit, and records of all data used to complete the application for this Permit for a period of at least three (3) years from the date of the sample, measurement, report or record or for periods elsewhere specified in this Permit. The Permittee shall retain, at the Facility, all monitoring records from all surface water sampling, seep sampling, soil sampling, sediment sampling, groundwater monitoring wells, and associated groundwater surface elevations until three (3) years past the end of the corrective action instituted to address releases of chemical agent, hazardous waste or hazardous waste constituents from any solid waste management unit. These periods may be extended by the request of the Department at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. (ADEM Admin. Code R. 335-14-8-.03(1)(j)2. And 335-14-5-.05(5)(b)).
- iii. Records of monitoring information shall include (ADEM Admin. Code R. 335-14-8-.03(1)(j)(c)):
 - a. The date, exact place, and time of sampling or measurement;
 - b. The individual(s) who performed the sampling for measurements;

- c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
- iv. The Permittee shall submit all monitoring results at the intervals specified elsewhere in this Permit.

12. REPORTING PLANNED CHANGES

As soon as possible prior to any planned physical alteration or addition, the Permittee shall give notice to the Department of such planned physical alterations or additions to the permitted areas on the ANAD Facility. (ADEM Admin. Code R. 335-14-8-.03(1)(l)1.).

13. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department of any planned changes in the permitted ANAD Facility or activity which may result in noncompliance with permit requirements. Advanced notice shall not constitute a defense for any noncompliance. (ADEM Admin. Code R. 335-14-8-.03(1)(l)2.)

14. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

- i. The Permittee may not commence storage (except less than ninety day storage during construction and systemization) or treatment of chemical agent or hazardous wastes in any new unit including Government Furnished Equipment (GFE) at the ANCDF site until the Permittee has submitted to the Department, by certified mail or hand delivery, a certification of construction signed by the Permittee and an independent, registered professional engineer stating that the unit has been constructed in compliance with the Permit and applicable regulations; and
 - a. The Department has inspected the modified or newly constructed site and finds it is in compliance with the conditions of the Permit. (ADEM Admin. Code R. 335-14-8-.03(1)(l)2. (ii)(I)); or
 - b. The Department has either waived the inspection or has not within 15 calendar days notified the Permittee of its intent to inspect. (ADEM Admin. Code R. 335-14-8-.03(1)(l)2. (ii)(II)); or.
- ii. The above mentioned certification of construction must include, at a minimum:
 - a. As built drawings;

- b. Descriptions and delineation of any changes to proposed drawings;
- c. All required professional certifications;
- d. All quality assurance/quality control documentation (QA/QC); and
- e. All required physical testing results.

17. TWENTY-FOUR HOUR REPORTING

- I. In accordance with ADEM Admin. Code R. 335-14-8-.03(1)(I)6.(I), the Permittee shall verbally report to the Department any noncompliance with this Permit which may endanger human health or the environment. Any such information shall be reported as soon as possible, but not later than twenty-four (24) hours from the time the Permittee becomes aware of the noncompliance.
 - a. Potential endangerment to human health and the environment shall include, but not be limited to, noncompliance with Condition II.A.1 of this Permit.
 - b. Potential endangerment to human health or the environment shall include, but not be limited to, any release to the environment of any chemical agent (i.e., GB, VX, HD, and/or HT) or any chemical agent residue which results in the following:
 - (I) Any release to the atmosphere from the stack for the Dunnage Incinerator, the combined stack for the Liquid Incinerator, the Deactivation Furnace, and the Metal Parts Furnace, the stack for the Brine Reduction Area, or from any stack for the air filtration system if the confirmed stack emission levels exceeds the maximum allowable stack concentrations identified for any individual chemical agent in Table 101 of this Permit.
 - (II) Chemical agent concentrations, at the Facility boundary or at any of the Facility monitoring perimeter stations, exceeding the General Population Limits specified in Table 1-1 of this Permit for each chemical agent.
 - (III) Any unprotected workers exposed to chemical agent concentrations, exceeding the TWA specified in Table 1-1 of this Permit at any chemical agent monitor (i.e., Automatic Continuous Air Monitoring System (ACAMS)/Depot Area Air Monitoring System (DAAMS) within the ANCDF site.

- c. Potential endangerment to human health or the environment shall include any non-confirmed indication that a release to the atmosphere from the stack for the Dunnage Incinerator, the combined stack for the Liquid Incinerator, the Deactivation Furnace, and the Metal Parts Furnace, the stack for the Brine Reduction Area, or from any stack for the air filtration system has occurred. The Permittee shall verbally report to the agent monitor alarms at the maximum allowable stack concentration level that indicates a potential release to the atmosphere, even if the stack emission levels have not been verified as a chemical agent anomaly (i.e., false positive) within that same twenty-four (24) hours.
- ii. In accordance with ADEM Admin. Code R. 335-14-8-.03(1)(l)6.(I) and (ii), the immediate and twenty-four (24) hour verbal report required in condition I.E.17.i. of this Permit shall include, but not be limited to, the following:
 - a. Information concerning the release of any hazardous waste or chemical agent which may endanger public drinking water supplies;
 - b. Any information of a release or discharge of hazardous waste or chemical agent, or of a fire or explosion at the ANAD Facility, which could threaten the environment or human health; and
 - c. A description of the release or discharge and its cause including, at a minimum:
 - (I) Name, title, and telephone number of individual reporting;
 - (II) Name, address, and telephone number of the owner or operator;
 - (III) Name, address, and telephone number of the ANAD Facility;
 - (IV) Date, time, and type of incident;
 - (V) Location and cause of incident;
 - (VI) Name and quantity of materials involved;
 - (VII) The extent of injuries, if any;
 - (VIII) An assessment of actual or potential hazard to the environment and human health, where this is applicable;

- (IX) Description of any emergency action taken to minimize the threat to human health and the environment;
 - (X) Estimated quantity and disposition of recovered material that resulted from the incident; and
 - (XI) Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.
- iii. Within five (5) calendar days of the time the Permittee is required to provide verbal notification, as specified in Conditions I.E.17.i. through I.E.17.ii. of this Permit, the Permittee shall provide to the Department a written submission in accordance with ADEM Admin. Code R. 335-14-8-.03(1)(1)6.(iii).
 - a. The written submission shall include, but not be limited to the following:
 - (I) Name, address, and telephone number of the individual reporting;
 - (II) A description (including cause, location, extent of injuries, if any, and an assessment of actual or potential hazard to the environment and human health outside the ANAD Facility, where this is applicable) of the incident (noncompliance and/or release);
 - (III) The period(s) in which the incident remain a threat to human health and the environment (whether the noncompliance has been corrected and/or the release has been adequately cleaned up); and
 - (V) If not, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and/or the steps taken or planned to adequately clean up the release.
 - b. The Permittee need not comply with the five (5) calendar day written notice requirement if the Department waives the requirement and the Permittee submits a written report within fifteen (15) calendar days from the time the Permittee is required to provide verbal notification, as specified in conditions I.E.17.I. through I.E.17.ii. of this Permit.

18. OTHER NONCOMPLIANCE

The Permittee shall report all instances of noncompliance not reported under Condition I.E.17 of this Permit at the time any other reports required by this Permit are submitted (ADEM Admin. Code R. 335-14-80.03(1)(l)10.). The reports shall contain the information required by the ADEM Admin. Code R. 335-14-8-.03(1)(l)6.

19. OTHER INFORMATION

If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application, permit modification request, or in any report to the Department, such facts or information shall be promptly submitted by the Permittee (ADEM Admin. Code R. 335-14-8-.03 (1)(l)11.). In addition, upon request, the Permittee shall furnish to the Department any information related to compliance with the permit. The Permittee shall also promptly provide the Department all incident reports generated at any other Chemical Stockpile Disposal Program (CSDP) Facility.

I.F. SIGNATORY REQUIREMENT

All applications, reports or information required by this Permit, or otherwise submitted to the Department, shall be signed and certified by the Anniston Army Depot commander, or by a duly authorized representative of that period in accordance with the ADEM Admin. Code R. 335-14-8-.02(2).

I.G. CONFIDENTIAL INFORMATION

The Permittee may claim information submitted as confidential if the information is protectable under Code of Alabama 1975, § 22-30-18, as amended. The term "Trade Secret" as used in § 22-30-18 is defined in Code of Alabama 1975, §22-30-3(12). (ADEM Admin. Code R. 335-14-8-.02(3))

I.H. REPORTS, NOTIFICATIONS, AND SUBMITTALS

1. All reports, notifications, or other submissions which are required by this Permit to be sent or given to the Department should be sent by certified mail, express mail, or hand delivered to:

Chief, Land Division
Alabama Department of Environmental Management

Mailing: PO Box 201463, Montgomery, AL 36130-1463

OR

Physical: 1751 Cong. W.L. Dickinson Drive, Montgomery, AL 36109-2608

Phone: (334) 271-7700

FAX: (334) 279-3050

2. All reports, notifications, or other submissions which are required by this Permit to be sent or given to the Regional Administrator should be sent by certified mail, express mail, or hand delivered to the U.S. Environmental Protection Agency (EPA), Region 4, Waste Management Division at:

Director, Waste Management Division
U.S. Environmental Protection Agency, Region 4
345 Courtland Street
Atlanta, GA 30365

Phone: (404) 347-3433

I.I. DOCUMENTS TO BE MAINTAINED AT THE ANAD FACILITY

1. The Permittee shall maintain at the ANAD Facility, until closure is completed and certified by an independent, registered professional engineer, the following documents and amendments, revisions and modifications to these documents:
 - i. Waste Analysis Plan (Attachment 2 of the Permit), as required by ADEM Admin. Code R. 335-14-8-.02(5)(b)3. And this permit.
 - ii. Inspection schedules and logs (Attachment 3 of this Permit), as required by ADEM Admin. Code R. 335-14-8-.02(5)(b)5. and this permit.
 - iii. Personnel training documents and records, as required by ADEM Admin. Code R. 335-14-8-.02(5)(b)12. and this permit.
 - iv. Contingency Plan (Volume X, Section G of the Application), as required by ADEM Admin. Code R. 335-14-8-.02(5)(b)7. and this permit.
 - v. Operating record, as required by ADEM Admin. Code R. 335-14-5-.05(4). and this permit.
 - vi. Closure Plan, as required by ADEM Admin. Code R. 335-14-8-.02(5)(b)13. and this permit.
 - vii. Annually adjusted closure cost estimate as required by ADEM Admin. Code R. 335-14-5-.08(3)(b) and this permit.
 - viii. Copy of this Permit, permit attachments, current permit application and the current permit application attachments.
 - ix. Construction certification and as built drawings for the ANCDF Site Hazardous Waste Management Units identified under Condition I.E.14.iii. of this Permit.
 - x. Independent tank system assessment, installation, and repair certifications; as required by ADEM Admin. Code R. 335-14-8-.02(7).

I.J. ATTACHMENTS

1. If any of the Attachments to this Permit are found to conflict with any of the Conditions in Modules I through VIII of this Permit, the Condition of this Permit shall take precedence.
2. If any Section of the Application is found to be in conflict with any Condition of this Permit, the Condition of this Permit shall take precedence.
3. If any Section of the Application is found to be in conflict with any Attachment to this Permit, the Attachment to this Permit shall take precedence.

I.K. PERMIT MODIFICATIONS AND SUBMITTALS

1. A site-specific Laboratory Quality Control Plan (LQCP) shall be submitted by the Permittee as a major permit modification at least 180 calendar days prior to systemization and startup. The site-specific LQCP shall be placed in Volume III, Attachment D-2 of the Application. All applicable public comment periods and notification as required by ADEM Admin code R. 335-14-8-.04(2) shall be followed. The revised LQCP shall be approved by the Department prior to systemization and startup.
2. The Waste Analysis Plan (WAP), Attachment 2 of the Permit and Section C-2 of the Application shall be resubmitted by the Permittee as a major permit modification at least 180 calendar days prior to systemization and startup. All applicable public comment periods and notifications as required by ADEM Admin. Code R. 335-14-8-.04(2) shall be followed. The revised WAP shall be approved by the Department prior to systemization and startup.
3. The individual trial burn plan for surrogate and each different chemical agent for each incinerator shall be resubmitted by the Permittee as major permit modification(s) at least 180 calendar days prior to the proposed start date of the shakedown period for each trial burn. All applicable public comment periods and notifications as required by ADEM Admin. Code R. 335-14-8-.04(2) shall be followed. The revised individual trial burn plans shall be approved by the Department Prior to the start of the shakedown period for the respective trial burn.
4. The Permittee shall submit a revised Screening Risk Assessment Protocol at least 180 calendar days prior to systemization and startup which shall reflect the most current EPA guidance at the time of submittal. The revised Screening Risk Assessment Protocol shall be approved by the Department prior to systemization and startup.
5. The BRA performance test plan shall be resubmitted by the Permittee as a major permit modification at least 180 calendar days prior to the proposed start date of the performance test. All applicable public comment periods and notifications as required by ADEM Admin. Code R. 335-14-8-.04(2) shall be followed. The revised performance test plan shall be approved by the Department prior to the start of the performance test.

TABLE 1-1
CHEMICAL AGENT EXPOSURE LIMITS AND CHEMICAL AGENT STACK LIMITS

CHEMICAL AGENT CONCENTRATION (mg/M³)			
Location	VX	GB	HD/HT
Maximum Allowable Instantaneous Stack Concentration ^{1, 2}	0.0003	0.0003	0.03
Maximum Allowable Hourly Rolling Average Stack Concentration ^{1, 2}	0.00006	0.00006	0.006
General Population Limit ^{1, 3} (Averaging Time: 72 hours)	0.000003	0.000003	0.0001
Workplace Time Weighted Average ^{1, 3} (Averaging Time: 8 hours)	0.00001	0.0001	0.003
¹ Public Law 91-121/144 (USC 1512) mandates that the United States Department of Health and Human Services (HHS) review the plans for transporting and/or disposing of lethal chemical agents and make recommendations for protecting human health and safety. HHS delegated review and recommendation authority to the Centers for Disease Control (CDC).			
² The Department of Army proposed the maximum allowable stack concentrations indicated in Table 1-1. HHS reviewed the concentrations and announced in the March 15, 1988 Federal Register (53 FR 8504) [corrected in 53 FR 11002, April 4, 1988] that the concentrations "met HHS criteria and appear to be more restrictive than limits set on a health base alone," and therefore made no recommendation for changes.			
³ The March 15, 1988 Federal Register (53 FR 8504) [corrected in 53 FR 11002, April 4, 1988] announced that CDC concluded that the concentrations indicated in Table 1-1 shall adequately protect human health; "even long-term exposure to these concentrations would not create any adverse health effects."			
NOTE: CDC determined that the current available data precluded acceptable exposure limits for mustard agent being precisely defined. CDC concluded that the work-place limits shall amply protect a general population 1000 meters or more from the demilitarization site or transportation route. Therefore, protection of the general public is dependent upon meeting the work-place limits within the facility.			

ATTACHMENT K

**ANNISTON CHEMICAL DEMILITARIZATION FACILITY FINAL RCRA PERMIT
GENERAL PERMIT CONDITIONS**

(18 Sheets)

MODULE II GENERAL FACILITY CONDITIONS

II.A. DESIGN AND OPERATION OF FACILITY

1. The Permittee shall design, construct, maintain, and operate the permitted sites and the ANAD Facility to minimize the possibility of a fire explosion, or any unplanned sudden or nonsudden release of chemical agent, hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment.
2. The Permittee shall construct all hazardous waste management units in accordance with the approved designs and specifications that are included in the Application, except for minor changes deemed necessary by the Permittee to facilitate proper construction of the hazardous waste management units. Minor deviations from the approved designs or specifications necessary to accommodate proper construction shall be noted on the as-built drawings and the rationale for those deviations shall be provided in written narrative form to the Department. After completion of construction of each hazardous waste management unit, the Permittee shall submit final as-built drawings and the narrative report to the Department as part of the construction certification documentation specified in Condition I.E.14 of this Permit.

II.B. RECEIPT OF OFF-SITE WASTE

The Permittee is not authorized and, therefore, shall not receive hazardous waste, chemical agents, or chemical agent munitions from outside the State of Alabama at the ANCDF site. The Permittee shall only treat chemical agent and/or chemical agent munitions stored onsite at the time of issuance of this Permit except by Department approval.

II.C. GENERAL WASTE ANALYSIS

1. The Permittee shall comply with all requirements set forth under ADEM Admin. Code R. 335-14-5.02(4) and shall follow the procedures described in the Waste Analysis Plan, included as Attachment 2 of this Permit.
2. The Permittee may not accept an unidentified waste for storage or treatment at the ANCDF site until it has been completely characterized and this permit has been modified.
3. The Permittee shall utilize the methods of the Waste Analysis Plan, in Attachment 2 of this Permit, for the analysis of any of the wastes listed in the Part A Application, in attachment 1 of this Permit. Modification of the Waste Analysis Plan shall require a major permit modification as set forth in ADEM Admin. Code R. 335-14-8-.04(2).
4. The Permittee shall verify that metal scrap generated from the operation of the DFS, DUN or MPF (subject to 1000 °F for at least 15 minutes) is chemical agent free, either through testing at the Chemical Agent/Munition Disposal System (CAMDS), the Department of Army's Johnston Atoll Chemical Agent Disposal System (JACADS), or at the ANCDF site. Until verification results are accepted as valid by the Department, the metal scrap shall be managed as hazardous waste. The Department shall notify the Permittee in writing that the verification results have been accepted as valid.

II.D. SECURITY PROCEDURES

The Permittee shall comply with the Security Procedures set forth under ADEM Admin. Code R. 335-14-5-.0-2(5) and as described in Volume IX, Section F-1 of the Application. The map of the ANCDF site depicting the location of fencing and gates for the ANCDF site and the entire ANAD Facility is located in Volume I, Section B, Figures B-2-1 and B-4-1 of the Application.

II.E. GENERAL INSPECTION REQUIREMENTS

1. The Permittee shall comply with all requirements under ADEM Admin. Code R. 335-14-5.02(6), 335-1405-.10(6), 335-14-5-.09(5), and 335-14-5-.15(8)(b) and the Inspection Procedures and Schedules included as Attachment 3 of this Permit.
2. The Permittee shall remedy any deterioration or malfunction (of equipment or structures) discovered during any inspection as required by ADEM Admin. Code R. 335-14-5-.02(6)(c).
3. The Permittee shall record all inspection reports in the operating record for each permitted hazardous waste management site as required by ADEM Admin. Code R. 335-14-5-.02(6)(d).
4. The Permittee shall maintain a copy of the inspection Procedures and Schedules for each permitted hazardous waste management unit, included as Attachment 3 of this Permit, at the ANAD Facility until the ANAD Facility is certified closed.

II.F. TRAINING PLAN

1. The Permittee shall ensure that all personnel who handle hazardous waste or chemical agent are trained in hazardous waste management, safety procedures and emergency procedures, as applicable to their job description, in accordance with ADEM Admin. Code R. 335-14-50.02(7) and by following the outlines and procedures in Volume XIII, Section H of the Application.
2. The Permittee shall maintain a copy of the training documents and records as required by ADEM Admin. Code R. 335-14-5-.02(7)(d) and (e).

II.G. PREPAREDNESS AND PREVENTION

1. The Permittee shall follow the preparedness and prevention procedures in Volume IX, Section F and Volume II, Sections D-1a, D-1f, D-1g, D-1j, and D-2 of the Application and Table D-1-13 located in Volume II, Section D-1 of the Application.
2. The Permittee shall operate and perform preventative maintenance, inspections and repair of the equipment listed in Table 2-1 of this Permit, at a minimum, in accordance with the equipment manufacturer's specifications. The Permittee shall maintain records of these preventative maintenance and repair activities on this equipment with schedules (reflecting minimum and planned frequency for the performance of these preventative maintenance activities) in the operating record of each permitted hazardous waste management unit in accordance with Condition I.E.11. of this Permit.
3. The Permittee shall maintain arrangements with state and local authorities as required by ADEM Admin. Code R. 335-14-5-.03(8). If state or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record.

II.H.**CONTINGENCY PLAN**

1. The Permittee shall follow the procedures and schedules outlined in the Contingency Plan in volume X, Section G of the Application.
2. In case of fire or unplanned releases to the environment, the Permittee shall, in addition to implementing the Contingency Plan in Volume X, Section G of the Application, perform a staged shutdown of all process operations at the ANCDF site, with the exception of container storage operations and storage and treatment operations in tanks, in accordance with the procedures specified in Volume II, Sections D-5 through D-9 of the Application.
3. The Permittee shall not reinstate process operations after shutdown under either condition II.H.2. of this Permit or shutdown as a result of a major explosion, as designated in Volumes X through XIL, Section G of the Application, unless the following has occurred:
 - I. The Permittee has submitted a request to resume operations to the Department accompanied by the following information:
 - a. Detailed description of the accident/incident;
 - b. The cause of the accident as determined by the results of investigation of the accident;
 - c. The corrective action(s) taken;
 - d. A copy of the notification received by the Permittee from the Program Manager for Chemical Demilitarization that operations are authorized to resume; and
 - ii. The Department has provided the Permittee a written approval to resume operations
4. The Permittee shall not commence operations of the ANCDF site pursuant to this permit until all elements of the Contingency Plan in Volume X, Section G of the Application are functionally in place, and all resources required for implementation of the plan have been committed to by the Permittee.

II.I.**RECORDKEEPING AND REPORTING**

In addition to the recordkeeping and reporting requirements specified elsewhere in this permit, the Permittee shall comply with the following:

1. The Permittee shall maintain a written or electronic operating record at the Facility, in accordance with ADEM Admin. Code R. 335-14-5-.05(4) for all records identified in ADEM Admin. Code R. 335-14-5-.05(4)
2. The Permittee shall, by March 31 of each year, submit to the Department a certification pursuant to ADEM Admin. Code R. 335-14-5-.05(4), signed in accordance with ADEM Admin. Code R. 335-14-8-.02(2), that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or disposal is the most practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment.
3. The Permittee shall submit a biennial report covering the activities of each of the permitted hazardous waste management units and the ANAD Facility to the Department in accordance with ADEM Admin. Code R. 335-14-5-.05(6) and ADEM Admin. Code R. 335-14-8.03(1)(1)9.
4. The Permittee shall submit to the Department any additional reports specified in ADEM Admin Code R. 335-14-5-.05(8).
5. All reports, notifications, applications, or other materials required to be submitted to the Department shall be submitted at the address provided in Condition I.H.1. of this Permit.
6. All reports, notifications, applications, or other materials required to be submitted to the Regional Administrator shall be submitted at the EPA Regional address provided in Condition I.H.2. of this Permit.
7. From the beginning of agent operations until the closure of the ANCDF site, the Permittee shall submit a monthly report within two weeks after the close of the calendar month. This report shall state the number of munitions and amount of chemical agents disposed of during the previous calendar month. This report shall also report the total number of munitions and amount of chemical agents disposed of since the beginning of agent operations. This report shall also report the number of munitions and amount of chemical agents remaining to be disposed of.

II.J.**CLOSURE**

1. The Permittee shall amend the Closure Plan, included in Volume XIII, Section I of the Application, in accordance with ADEM Admin. Code R. 335-14-5-.07(3)(c) and submit it to the Department for review and approval at least 180 calendar days prior to the date scheduled for commencing closure and whenever the Permittee finds it necessary to revise the Closure Plan.

2. The Permittee shall close the ANCDF site according to the approved Closure Plan following completion of treatment of all onsite chemical agent and/or chemical agent munitions and associated equipment.
3. The Permittee shall not commence closure of any hazardous waste management unit without first receiving approval of the Closure Plan for that unit from the Department.
4. Within ninety (90) calendar days of the Permittee's receipt of the written approval from the Department for any hazardous waste management unit's Closure Plan, in accordance with ADEM Admin. Code R. 335-14-5-07(4)(a), of the modified closure plan and the post-closure plan, the Permittee shall complete closure of the hazardous waste management unit in accordance with the approved plans.
5. The Permittee shall decontaminate or dispose of all ANCDF site equipment as specified in the Closure Plan included in Volume XIII, Section I of the Application.
6. The Permittee shall meet the general closure performance standard as specified in ADEM Admin, code R. 335-14-5-.07 during closure of all hazardous waste management units at the ANAD Facility. Compliance with ADEM Admin. Code R. 335-14-5-.07 shall require closure in accordance with Condition II.J. of this Permit and the Closure Plan, included in Volume XIII, Section I of the Application for hazardous waste management units at the ANCDF site.
7. The Permittee shall provide certification statements upon completion of closure for each hazardous waste management unit when that hazardous waste management unit at the ANAD Facility has been closed in accordance with the applicable specifications in the Closure Plan as required by ADEM Admin. Code R. 335-14-5-.07.
8. For all hazardous waste management units, minor deviations from the permitted closure procedures necessary to accommodate proper closure shall be described in a narrative form with the closure certification statements. The Permittee shall describe the rationale for implementing minor changes as part of this narrative report. Within sixty (60) calendar days after completion of closure of each hazardous waste management unit, the Permittee shall submit the certification statements and narrative report to the Department.
9. In the event that any hazardous waste management unit cannot be clean closed by complete removal of chemical agent, hazardous waste , hazardous waste constituents, contaminated subsoil, and any contaminated groundwater as specified in the Closure Plan, the Permittee shall submit the modified closure and post-closure plans for that hazardous waste management unit to the Department, as a permit modification request in accordance with ADEM Admin. Codes R. 335-14-8-.04(2) or (3), within thirty (30) calendar days of the date that the Department notifies the Permittee in writing that the unit shall be closed in place as a landfill, in accordance with ADEM Admin. Code R. 335-14-5-.07.

II.K. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

The Permittee is exempt from the closure financial assurance requirements, in accordance with ADEM Admin. Code R. 335-14-5-.08(1)(c).

II.L. COST ESTIMATE FOR FACILITY CLOSURE

1. The Permittee must submit a closure cost estimate for the Facility prepared in accordance with ADEM Admin. Code R. 335-14-8-.02(5)(b)15. no later than 60 calendar days prior to systemization and startup.
2. The Permittee must adjust the closure cost estimate for inflation within 60 calendar days prior to the anniversary date of systemization and startup.
3. The Permittee must revise the closure cost estimate whenever there is a change in any permitted hazardous waste management units Closure Plan as required by ADEM Admin. Code R. 335-14-5-.08(3)(c).
4. The Permittee must keep in the operating record for each permitted hazardous waste management unit at the ANAD Facility and submit to the Department the latest closure cost estimate as required by ADEM Admin. Code R. 335-14-5-.08(3)(d).

II.M. LIABILITY REQUIREMENTS

The Permittee is exempt from the liability coverage for sudden and accidental occurrence requirements, in accordance with ADEM Admin. Code R. 335-14-5-.08(1)(c).

II.N. RISK ASSESSMENT REQUIREMENTS

1. After each trial burn at the ANCDF site, as provided for in Module VI, and after the performance test at the ANCDF site, as provided for in Module V, the Permittee shall submit to the Department a risk assessment addendum (RAA) following the revised protocol provided for in condition I.K.4 of this Permit which shall compare the results of each trial burn or performance test to the data used in the preliminary risk assessment with respect to emission estimates, stack parameters, and toxicity values.
2. The Permittee shall submit to the Department a post-trial burn risk assessment (RA) following the revised protocol provided for in Condition I.K.4 of this Permit for the ANCDF site under any of the following scenarios:
 - I. The emission estimates from the trial burn have changed from the preliminary risk assessment to the degree that an unacceptable risk would result. The post-trial burn RA shall include those substances of potential concern(SOPCs) originally evaluated in the preliminary RA, all new compounds, and the mass of the unidentified emissions;
 - ii. The stack parameters from the trial burn have changed from the preliminary RA to the degree that an unacceptable risk would result; or,
 - iii. The toxicity values for the SOPCs originally evaluated in the preliminary RA have changed to the degree that an unacceptable risk would result.

II.O.**CARBON FILTER OPERATION**

1. The Munition Demilitarization Building (MDB) and laboratory filter systems shall be operational during chemical agent operations at the ANCDF site.
2. The Munition Demilitarization Building (MDB) filter system shall be monitored as follows:
 - I. Continuous chemical agent monitoring and data recording utilizing the ACAMS and the DAAMS shall be performed between carbon banks 1 and 2, 2 and 3, 3 and 4, 4 and 5, and in the filter stack. The ACAMS monitoring between carbon banks 1 and 2, 2 and 3, 3 and 4, and 4 and 4 shall be conducted by a single ACAMS connected to a manifold that samples each location between carbon banks sequentially. The MDB filter stack shall have a dedicated ACAMS.
 - ii. Continuous pressure drop monitoring and data recording shall be performed across each pre-filter and high efficiency particulate air filter element.
3. The Laboratory filter systems shall be monitored as follows:
 - I. Continuous chemical agent monitoring and data recording utilizing the ACAMS and the DAAMS shall be performed between carbon banks 1 and 2, and in the filter stack. The LAB filter stack shall have a dedicated ACAMS.
 - ii. Continuous pressure drop monitoring and data recording shall be performed across each pre-filter and high efficiency particulate air filter element.
4. The MDB filter system shall be maintained according to Table 2-2 of this Permit.
5. The Laboratory filter systems shall be maintained according to Table 2-3 of this Permit.
6. If chemical agent is not detected between the first and second carbon banks, the first carbon bank of each of the filter units of the MDB and Laboratory filter systems shall be changed out prior to commencing a new chemical agent campaign. If chemical agent is detected between the first and second carbon bank of a filter unit, the carbon in the first two banks of the effected filter unit and the first bank of the remaining filter units shall be changed out prior to commencing a new chemical agent campaign.
7. Prefilters and high efficiency particulate air filters in the MDB and Laboratory filter systems shall be changed when the pressure drop across the filter element exceeds 10-inch water column.

8. The MDB and Laboratory filter systems shall be leak checked at the following minimum frequencies in accordance with Army SOPs:
 - I. Initial set-up of filter unit leak check frequency:
 - a. Carbon trays shall be leak checked prior to installation.
 - b. Carbon banks shall be leak checked once carbon trays are in place in the unit.
 - ii. Operation after initial set-up of filter unit leak check frequency:
 - a. Carbon bank and filter elements shall be leak checked whenever an element of the bank is installed, modified or replaced.
 - b. Carbon banks and filter elements shall be leak checked at least semi-annually.
 - c. Carbon banks and filter elements shall be leak checked following painting or fire in ventilation area.

II.P.

AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

1. GENERAL INTRODUCTION

Phase I Organic Air Emission Standards consist of ADEM Admin. Code R. 335-14-5-.27 and .28 and/or 335-14-6-.27 and .28, for hazardous waste treatment, storage, and disposal (TSD) facilities. ADEM Admin. Code R. 335-14-5-.27 and 335-14-6-.27 contains emission standards for process vents associated with distillation, fractionation, thin film evaporation, solvent extraction, and air or steam stripping operations that process hazardous waste or chemical agent with an annual average total organic concentration of at least 10 (10) parts per million (ppm) by weight. ADEM Admin. Code R. 335-14-5-.28 and 335-14-6-.28 contains emission standards that address leaks from specific equipment (i.e., pumps, valves, compressors, etc.) That contains or contacts hazardous waste or chemical agent that has a total organic concentration of at least ten percent by weight.

2. STANDARDS

- I. Prior to constructing any additional equipment not covered under this permit with process vents subject to the requirement of ADEM Admin. Code R. 335-14-5-.27, the Permittee shall supply the specific Part B information required pursuant to ADEM Admin. Code R. 335-14-8-.02(15), and shall obtain a permit modification in accordance with the provisions of ADEM Admin. Code R. 335-14-8-.04.
- ii. Prior to constructing any additional equipment not covered under this permit subject to the requirements of ADEM Admin. Code R. 335-14-5-.28(15), the Permittee shall supply the specific Part B information required pursuant to ADEM Admin. Code R. 335-14-8-.02(16), and shall obtain a permit modification in accordance with the provisions of ADEM Admin. Code R. 335-14-8-.04.
- iii. The Permittee shall comply with the organic air emissions standards for equipment

3. ORGANIC AIR EMISSIONS

- I. The Permittee shall comply with the applicable requirements of 40 CFR 264, Subpart CC, as amended October 4, 1996, effective December 6, 1996.
- ii. The Permittee shall immediately comply with the applicable requirements under 40 CFR 265, Subpart CC for each tank, surface impoundment, container/container storage area, and/or miscellaneous unit listed in Table 204.
- iii. The following information shall be submitted to the Department as part of the construction certification documentation specified in Condition I.E.14. of this Permit:
 - a. For every unit listed on Table 2-4, provide "Subpart CC Status/Control Option" information regarding the applicability and chosen control option. Regulatory citations shall be noted for each exemption and/or control option. Also specify the "Operational Status" for units where Subpart CC controls are or will be implemented.
 - b. For each unit listed on Table 2-4, that is exempt from Subpart CC under 40 CFR 264.1080(b)(5) through § 264.1080(b)(8), or under 40 CFR 264.1082(c), provide documentation certifications, analytical data, and/or calculations which support each exemption.
 - c. For each unit listed on Table 2-4, for which a control option has been specified, provide applicable Part B information and/or certifications required under 40 CFR 270.27.
- iv. The permit will be modified in accordance with ADEM Admin. Code r. 335-14-8-.04(3) to incorporate information provided pursuant to Condition II.P.3.iii.a. of this Permit, and the Permittee shall subsequently be evaluated for compliance based on the regulatory provisions cited under "Subpart Cc Status/Option."

II.Q. WASTE MINIMIZATION

1. CERTIFICATION REQUIREMENTS

Pursuant to ADEM Admin. Code R. 335-14-5.05(4), and Section 3005(h) of the RCRA, 42 U.S.C. 6925(h), the Permittee must certify, no less often than annually, that:

- I. The Permittee has a program in place to reduce the volume and toxicity of hazardous waste to the degree determined by the Permittee to be economically practicable; and
- ii. The proposed method of treatment, storage or disposal is the most practicable method available to the Permittee which minimizes the present and future threat to human health and the environment.

2. RECORDING REQUIREMENTS

If Condition II.Q.1. of this Permit is applicable, then the Permittee shall maintain copies of this certification in the facility operating record as required by ADEM Admin. Code R. 335-14-5-.05(4).

3. SOLID WASTE MINIMIZATION OBJECTIVES

If Condition II.Q.1. of this Permit is applicable, then the Waste Minimization program required under II.Q.1. of this Permit should address the objectives listed in Attachment 8 of this Permit.

II.R. LAND DISPOSAL RESTRICTIONS

1. GENERAL RESTRICTIONS

ADEM Admin. Code R. 335-14-9 identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances which an otherwise prohibited waste may continue to be placed on or in a land treatment, storage or disposal unit. The Permittee shall maintain compliance with the requirements of ADEM Admin. Code R. 335-14-9. Where the Permittee has applied for an extension, waiver or variance under ADEM Admin. Code R. 335-14-9 the Permittee shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached pending final approval of such application.

2. LAND DISPOSAL PROHIBITIONS AND TREATMENT STANDARDS

- I. A restricted waste identified in ADEM Admin. Code R. 335-14-9-.03 may not be placed in a land disposal unit without further treatment unless the requirements of ADEM Admin. Code R. 335-14-9-.03 and/or .04 are met.
- ii. The storage of hazardous wastes restricted from land disposal under ADEM Admin. Code R. 335-14-9 is prohibited unless the requirements of ADEM Admin. Code R. 335-14-9-.05 or met.

TABLE 2-1
ANCDF SITE PROCESS AREAS AND EQUIPMENT

UNPACK AREA

Conveyor Systems
Airlock

ROCKET PROCESS SYSTEM

Computerized Process Control System Interlocks
Monorail With Lifting Device System
Indexing Drum
Rotary Metering Input Assembly
Blast Gate Valves
Blast Gates/Doors
Airhole puncher
Drain puncher
Rocket Shear Machine/Burster Size Reduction Machine
Conveyor System

MINE PROCESS SYSTEM

Computerized Process Control System Interlocks
Monorail with Lifting Device System
Conveyor Systems
Glove Box
Blast Gates/Doors
Blast Gate Valves
Mine Machine
Drain Station
Pushout Station

ATTACHMENT L

**ASH GROVE CEMENT COMPANY RCRA PERMIT
SECTIONS III & IV**

(16 Sheets)

SECTION III

STORAGE IN CONTAINERS

III.A. UNIT DESCRIPTION - CONTAINER STORAGE AREAS

Two hazardous waste container storage areas are covered by this Permit. These areas are identified as the Solid Waste Derived Fuel (SWDF) Container Storage Building and the SWDF Container Surge Building. The SWDF Container Storage Building will have a final design capacity of 202,356 gallons. Phase I of this building currently exists and has a storage capacity of 111,636 gallons. Phase II of the building will be completed following issuance of this Permit and will have a capacity of 90,720 gallons. The existing SWDF Container Surge Building has a storage capacity of 40,320 gallons. The final container storage capacity at the facility will be 242,676 gallons.

The container storage areas are located on sealed concrete pads and inside of buildings with adequate secondary containment, thus run-on and run-off is prevented. Subject to the requirements of Permit Condition III.B., the Permittee may store hazardous waste generated on-site and off-site at the two areas covered by this Permit.

III.B. PERMITTED AND PROHIBITED WASTE IDENTIFICATION

III.B.1. The Permittee shall operate and maintain the container storage areas in accordance with 40 CFR 264, Subpart I and the specification and design criteria submitted in the Part B Permit Application. The Permittee is allowed to store hazardous waste identified in Attachment A of this Permit in the container storage areas described in Section III.A., subject to the terms of this Permit. The storage of hazardous waste not listed in Attachment A is prohibited. Non-hazardous waste being stored in the container storage areas is also subject to the terms of this Permit.

III.B.2 The Permittee is allowed to store a maximum volume of two hundred forty two thousand six hundred and seventy-six (242,676) gallons of hazardous waste in the areas described in Permit Condition III.A., provided that the maximum capacity of each container management unit specified in Table III.B. is not exceeded, subject to the terms of this Permit.

Table III.B.

STORAGE UNIT	MAXIMUM CAPACITY OF UNIT (GALLONS)	REMARK
SWDF Container Storage Building (Phase I)	111,636	Existing
SWDF Container Storage Building (Phase II)	90,720	To be constructed in accordance with the schedule in the Part B Application, Attachment D-22.
SWDF Container Surge Building	40,320	Existing
Total Container Storage Capacity	242,676 GALLONS	

III.C. OPERATION AND MAINTENANCE

The Permittee shall operate and maintain all of the container storage areas in accordance with 40 CFR 264 Subpart I and the specifications and design criteria contained in the Process Information, Section D of the Part B Permit Application. Any sized containers may be used, provided the conditions of 40 CFR 264 Subpart I and all other provisions of this Permit are met.

III.D. CONDITION OF CONTAINERS

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. [40 CFR 264.171]

III.E. COMPATIBILITY OF WASTE WITH CONTAINERS

The Permittee shall use a container made of or lined with materials which will not react with and are otherwise compatible with the hazardous waste to be stored or treated, so that the ability of the container to contain the waste is not impaired.

[40 CFR 264.172]

III.F. MANAGEMENT OF CONTAINERS

The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak. [40 CFR 264.173] All containers used in the Permitted hazardous waste container storage areas shall meet the current performance requirements of 49 CFR 178.

III.G. CONTAINMENT SYSTEMS

The Permittee shall construct and maintain the containment system(s) in accordance with the plans and specifications, contained in Process Information, Section D-I.C. of the Part B Permit Application and as required by 40 CFR 264.175. The Permittee shall remove waste spillage, waste leakage, and/or accumulated precipitation from the secondary containment system as soon as practicable or within twenty-four (24) hours.

III.H. INSPECTION SCHEDULES AND PROCEDURES

The Permittee shall inspect the container storage areas in accordance with the inspection schedule contained in Procedures to Prevent Hazards, Section F-2 and Attachments F-1 and F-2 of the Part B Permit Application to detect leaking containers and deterioration of containers and the containment system(s) caused by corrosion and other factors. [40 CFR 264.174]

III.I. PROVISIONS FOR MANAGEMENT OF BULK SHIPMENT CONTAINERS

The Permittee must not use bulk shipment containers (railroad tank cars, tanker trucks, etc.) as container storage units at the facility. The Permittee shall unload any properly manifested bulk transport vehicle (road or rail) hauling hazardous waste for storage with ten (10) days following arrival at the site. Arrival for purposes of the Permit will be the day the transport vehicle arrives and the hazardous waste load is logged into the operating record. The date of receipt must be documented in the facility's operating record. Daily inspection to detect leaking containers must be conducted and documented in the facility operating record.

III.J. RECORDKEEPING

The Permittee shall place the results of all waste analyses and trial tests (and any other documentation showing compliance with the requirements of 40 CFR 264.17© and 264.177) in the facility operating record. [40 CFR 264.73]

III.K. CLOSURE

At closure

III.L. SPECIAL CONTAINER PROVISIONS FOR IGNITABLE OR REACTIVE WASTE

III.L.1. The Permittee shall not locate containers holding ignitable or reactive waste within 15 meters (50 feet) of the facility's property line. [40 CFR 164.176]

III.L.2. The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and follow the procedures specified in Procedures to Prevent Hazards, Section F-5 of the Part B Permit Application. [40 CFR 264.17(a) and 264.176]

III.M. SPECIAL CONTAINER PROVISIONS FOR INCOMPATIBLE WASTE

The Permittee shall manage incompatible wastes in accordance with the procedures specified in Procedures to Prevent Hazards, Section F-5 of the Part B Permit Application. [40 CFR 264.177]

SECTION IV

STORAGE IN TANKS

IV.A. DESCRIPTION OF TANK SYSTEMS

There are currently two (2) 38,000 gallon aboveground tanks in the liquid waste derived fuel (LWDF) storage tank unit. Additional aboveground LWDF tank capacity totally 114,000 gallons will be constructed after the Permit is issued. Additions to the tank storage unit will consist of three (3) 38,000 gallon storage tanks, associated piping and adjacent LWDF unloading areas. A construction schedule can be found in the Part B Permit Application - Attachment D-22. Upon completion of the additional tanks, the total Permitted tank storage capacity will be 190,000 gallons of LWDF.

All of the storage tanks are located within secondary containment with chemical resistant coating. Automatic high level alarms and manual gauging ports are provided on each individual tank. The secondary containment system(s) are designed to provide sufficient capacity to contain one hundred (100) percent of the capacity of the largest tank within the boundary or 10 (ten) percent of the total capacity of tanks, whichever is greater. The design standards used for fabrication of these tanks was API 650, Appendix J, Edition 7, Revision I. These tanks have been certified by a professional engineer licensed in Kansas to have sufficient structural integrity for storage of hazardous waste.

IV.B. PERMITTED AND PROHIBITED WASTE

- IV.B.1. The Permittee shall operate and maintain the hazardous waste tank(s) in accordance with 40 CFR 264, Subpart J and the specification and design criteria submitted in the Part B Permit Application. The Permittee is allowed to store hazardous wastes identified in the Attachment A of this Permit in the tanks described in Permit Condition IV.A., subject to the terms of this Permit. The storage of any hazardous waste(s) received from any off site source at any other tank storage system is prohibited.
- IV.B.2. The Permittee is allowed to store a maximum volume of one hundred ninety thousand (190,000) gallons of hazardous waste at the facility, provided that the maximum capacity of each tank specified in Table IV.B. is not exceeded, subject to the terms of this Permit.

Table IV.B.

Tank System	Number of Tanks	Tank Capacity (Gallons)	Total System Capacity (Gallons)	Remark
Liquid Waste Derived Fuel Tanks	2	38,000	76,000	Existing
Proposed Liquid Waste Derived Fuel Tanks	3	38,000	114,000	To be constructed in accordance with the schedule in the Part B Application, Attachment D-22.
TOTAL TANK STORAGE CAPACITY	190,000 GALLONS			

IV. C. SECONDARY CONTAINMENT

The Permittee shall operate and maintain the secondary containment system(s), in accordance with the detailed design plans and descriptions contained in Process Information - Section D-2.E. of the Part B Permit Application.
[40 CFR 264.193(b)-(f)]



IV.D. OPERATING REQUIREMENTS

- IV.D.1. The Permittee shall not place hazardous waste in a tank system if it could cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail. [40 CFR 264.194(a)]
- IV.D.2. The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in Process Information - Section D-2.F. of the Part B Permit Application. [40 CFR 264.194(b)]

IV.E. RESPONSE TO LEAKS OR SPILLS

In the event of a leak or a spill from the tank system, from a secondary containment system, or if a system becomes unfit for continued use, the Permittee shall remove the system from service immediately and comply with the requirements of 40 CFR 264.196(a)-(f):

- IV.E.1. Stop the flow of hazardous waste into the system and inspect the system to determine the cause of the release.
- IV.E.2. Remove waste and/or accumulated precipitation from the system within 24 hours of the detection of the leak, as is necessary, to prevent further release and to allow inspection and repair of the system.
- If the collected material is a RCRA hazardous waste, it must be managed in accordance with all applicable requirements of 40 CFR Parts 262-264 and 268. If the collected material is discharged through a point source to U.S. waters or to a POTW, it is subject to requirements of the Clean Water Act. If the collected material is released to the environment, it may be subject to reporting under 40 CFR Part 302.
- IV.E.3. Contain visible releases to the environment. The Permittee shall immediately conduct a visual inspection of all releases to the environment and based on that inspection: 1) prevent further migration of the leak or spill to soils or surface water and 2) remove and properly dispose of any visible contamination of the soil or surface water.
- IV.E.4. Close the system in accordance with the Closure Plan, Section I of the Part B Permit Application, unless the following actions are taken:
- IV.E.4.a. For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service.
- IV.E.4.b. For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning it to service.
- IV.E.4.c. For a release to the environment caused by a leak from the aboveground portion of the tank system that does not have secondary containment, and can be visually inspected, the Permittee shall repair the tank system before returning it to service.

- IV.E.4.d. For a release to the environment caused by a leak from the portion of the tank system component that is not readily available for visual inspection, the Permittee shall provide secondary containment that meets the requirements of 40 CFR 264.193 before the component can be returned to service.
- IV.E.4.e. If the Permittee replaces a component of the tank system for any reason, that component must satisfy the requirements for new tank systems or components in 40 CFR 264.192 and 40 CFR 264.193.
- IV.E.5. For all major repairs to eliminate leaks or restore the integrity of the tank system, the Permittee must obtain a certification by an independent, qualified, registered professional engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system before returning the system to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment system.

IV.F. INSPECTION SCHEDULES AND PROCEDURES

- IV.F.1. The Permittee shall inspect the tank systems, in accordance with the inspection schedule contained in Procedures to Prevent Hazards, Section F-2 of the Part B Permit Application and shall complete the items in Permit Conditions IV.F.2. and IV.F.3. as part of those inspections.
- IV.F.2. The Permittee shall inspect the overfill controls, in accordance with the schedule specified in Procedures to Prevent Hazards, Section F-2 of the Part B Permit Application. [40 CFR 264.195(a)]
- IV.F.3. The Permittee shall inspect the following components of the tank system once each operating day (40 CFR 264.195 (b)):
- IV.F.3.a. Above ground portions of the tank system to detect corrosion or releases of waste;
- IV.F.3.b. Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design;
- IV.F.3.c. Construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).
- IV.F.4. The Permittee shall document compliance in writing with Permit Conditions IV.F.2. through IV.F.3. and place this documentation in the operating record for the facility. [40 CFR 264.195(d)]

IV.G. RECORDKEEPING AND REPORTING

- IV.G.1. The Permittee shall verbally report to the Secretary, within twenty-four (24) hours of detection, whenever a leak or spill occurs from the tank system or secondary containment system to the environment. A leak

or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported [40 CFR 264.196(d)(1)-(2)]

Releases that are contained within a secondary containment system need not be reported, unless the secondary containment has cracked. If the Permittee has reported the release pursuant to 40 CFR Part 302, this report satisfies the requirements of this Permit condition. [40 CFR 264.196(d)(1)]

- IV.G.2. Within thirty (30) days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information in writing to the Secretary (40 CFR 264.196(d)(3)):
- IV.G.2.a. Likely route of migration of the release;
- IV.G.2.b. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
- IV.G.2.c. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee shall provide the Secretary with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
- IV.G.2.d. Proximity of downgradient drinking water, surface water, and populated areas; and
- IV.G.2.e. Description of response action taken or planned.
- IV.G.4. The Permittee shall obtain and keep on file at the facility, the written statements by those persons required to certify the design and installation of the tank system. [40 CFR 264.192(g)]
- IV.H. CLOSURE AND POST-CLOSURE CARE
- IV.H.1. At closure of the tank system(s), the Permittee shall follow the procedures in the Closure Plan, Section I of the Part B Permit Application for tanks. [40 CFR 264.197(a)]
- IV.H.2. If the Permittee demonstrates that not all contaminated soils can be practically removed or decontaminated, in accordance with the Closure Plan, Section I of the Part B Permit Application, then the Permittee shall close the tank system and perform post-closure care following 40 CFR 264.197(b) and (c).
- IV.I. SPECIAL TANK PROVISIONS FOR IGNITABLE OR REACTIVE WASTES
- IV.I.1. The Permittee shall not place ignitable or reactive waste in the tank system, unless:
- IV.I.1.a. The waste is treated, rendered, or mixed before or immediately after placement in the tank system, so that

the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste in 40 CFR 261.21 or 261.23 and the precautions in 40 CFR 264.17(b) are complied with; or

- IV.I.1.b. The waste is managed in such a way that it is protected from any materials or conditions which may cause it to ignite or react; or
- IV.I.1.c. The tank system is used solely for emergencies. The Permittee shall also comply with the procedures specified in Process Information, Section D.2. of the Part B Permit Application. [40 CFR 264.198(a)]
- IV.I.2. The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1990). [40 CFR 264.198(b)]

Attachment A

The Permittee may store the following RCRA wastes codes, as defined in 40 CFR 261 Subparts C and D, subject to the terms of this Permit.

D001	D004	D005	D006	D007	D008	D009	D010	D011	D012	D013	D014	D015
D016	D017	D018	D019	D020	D021	D022	D023	D024	D025	D026	D027	D028
D029	D030	D031	D032	D033	D034	D035	D036	D037	D038	D039	D040	D041
D042	D043											
F001	F002	F003	F004	F005	F006	F007	F008	F009	F010	F011	F012	F019
F024	F025	F034	F035	F037	F038	F039						
K001	K002	K003	K004	K005	K006	K007	K008	K009	K010	K011	K013	K014
K015	K016	K017	K018	K019	K020	K021	K022	K023	K024	K025	K026	K027
K028	K029	K030	K031	K032	K033	K034	K035	K036	K037	K038	K039	K040
K041	K042	K043	K044	K045	K046	K048	K049	K050	K051	K052	K060	K061
K062	K064	K065	K066	K073	K083	K084	K085	K086	K087	K088	K090	K091
K093	K094	K095	K096	K097	K098	K099	K100	K101	K102	K103	K104	K105
K106	K111	K112	K113	K114	K115	K116	K117	K118	K124	K125	K126	K131
K132	K136	K141	K141	K143	K144	K145	K147	K148	K149	K150	K151	
P001	P002	P003	P004	P005	P006	P007	P008	P009	P010	P012	P013	P014
P016	P017	P018	P020	P022	P023	P024	P026	P027	P028	P029	P030	P034
P037	P038	P039	P040	P041	P042	P043	P044	P045	P046	P047	P048	P049
P050	P051	P054	P057	P058	P059	P060	P062	P063	P066	P067	P068	P069
P070	P071	P072	P073	P075	P076	P077	P078	P081	P082	P084	P085	P087
P088	P089	P093	P094	P095	P096	P097	P098	P102	P104	P105	P106	P108
P109	P111	P112	P115	P116	P118	P119	P120	P121	P122	P123		
U001	U002	U003	U004	U005	U006	U007	U008	U009	U010	U011	U012	U014
U015	U016	U017	U018	U019	U020	U021	U022	U023	U024	U025	U026	U027
U028	U029	U030	U031	U032	U033	U034	U035	U036	U037	U038	U039	U041
U042	U043	U044	U045	U046	U047	U048	U049	U050	U051	U052	U053	U055
U056	U057	U058	U059	U060	U061	U062	U063	U064	U066	U067	U068	U069
U070	U071	U072	U073	U074	U075	U076	U077	U078	U079	U080	U081	U082
U083	U084	U085	U086	U087	U088	U089	U090	U091	U092	U093	U094	U095
U096	U097	U098	U099	U101	U102	U103	U105	U106	U107	U108	U109	U110
U111	U113	U113	U114	U115	U116	U117	U118	U119	U120	U121	U122	U123
U124	U125	U126	U127	U128	U129	U130	U131	U132	U133	U134	U135	U136
U137	U138	U140	U141	U142	U143	U144	U145	U146	U147	U148	U149	U150
U151	U152	U153	U154	U155	U156	U157	U158	U159	U160	U161	U162	U163
U164	U165	U166	U167	U168	U169	U170	U171	U172	U173	U174	U176	U177
U178	U179	U180	U181	U182	U183	U184	U185	U186	U187	U188	U189	U190
U191	U192	U193	U194	U196	U197	U200	U201	U202	U203	U206	U207	U208
U209	U210	U211	U213	U215	U218	U219	U220	U221	U222	U223	U225	U226
U227	U228	U234	U235	U236	U237	U238	U239	U240	U243	U244	U247	U248
U249	U328	U353	U359									

Hazardous Waste Facility Permit

Ash Grove Cement Company
1801 North Santa Fe Street
Chanute, Kansas 66720
EPA I.D. #KSD031203318

~~DRAFT September 5, 1995~~

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I.B. PERMIT ACTIONS

I.B.1. Permit Modification, Revocation and Reissuance, and Termination

This Permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR 270.41, 270.42, and 270.43

If cause exists, the Secretary may modify or revoke and reissue this Permit in accordance with 40 CFR 270.41. When this Permit is modified, only the conditions subject to the modification are reopened. If this Permit is revoked and reissued, the entire Permit is reopened and subject to revision, and may be reissued for a new term.

The Secretary will approve or deny modifications to this Permit requested by the Permittee ~~in accordance with 40 CFR 270.42.~~ The modifications will become an enforceable part of this Permit. ~~The modifications will become an enforceable part of this Permit.~~ The filing of a request for a Permit modification, revocation and reissuance, termination, or the notificatino of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any permit condition. [40 CFR 270.4(a) and 270.30(f)]

I.F. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to or requested by the Secretary, a designee or authorized representative, shall be signed and certified in accordance with 40 CFR 270.11 and 270.30(k).

I.G. WASTE MINIMIZATION

I.G.1. Pursuant to 40 CFR §264.73(b)(9), and Section 3005(h) of RCRA, 42 USC 6925(h); the Permittee must record and maintain in the facility operating record, at least annually, a waste minimization certification.

I.G.2. This certification must specify that the Permittee has a program in place to reduce the volume and tosicity of all hazardous waste and/or hazardous constituents which are generated by the facility's operation to the degree determined by the Permittee to be economically practicable, and that the proposed method of treatment, storage or disposal is the practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. The certification and supporting documents shall be located in a centralized area within the same building at the permitted facility.

I.G.3. Within one hundred and fifty (150) calendar days of the effective date of Part I of this permit, the Permittee shall submit a Waste Reduction Report. This report shall include the waste minimization certification and supporting documents and a waste reduction impact statement, as defined below.

I.G.3.a. An identification of the annual amount and types of hazardous wastes and/or hazardous constituents that are generated;

I.G.3.b. An identification of the source of generation of hazardous wastes and/or hazardous constituents for each waste stream;

- I.G.3.c. An analysis of technically and economically feasible hazardous waste reduction techniques for the facility, including a description of any techniques that were implemented since 1984, at a minimum; and
- I.G.3.d. A program and schedule for implementing the feasible hazardous waste and/or hazardous constituent reduction techniques.

I.H. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE SECRETARY

All reports, notifications, or other submissions which are required by the Permit shall be reported or sent directly to the **Chief of the Hazardous Waste Section, Kansas Department of Health and Environment, Building 740 Forbes Field, Topeka, Kansas 66620-001; Telephone Number (913) 296-1600.**

I.HI. CONFIDENTIAL INFORMATION

In accordance with 40 CFR 270.12, the Permittee may claim confidential any information required to be submitted by this Permit.

I.IJ. DOCUMENTS TO BE SUBMITTED

Prior to operation, the Permittee shall submit as-built construction drawings for the Solid Waste Derived Fuel Container Storage Building (Phase II), and three proposed storage tanks (see Permit Conditions III.A. and IV.A.)

I.JK. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, the following documents and all amendments, revisions and modifications to these documents:

- I.JK.1.1 A copy of this Permit including all approved Permit modifications.
- I.JK.1.2 A copy of the approved Part B Permit Application, including, but not limited to the following:
- I.JK.1.2.a. ————Waste Analysis Plan, as required by 40 CFR 264.13 and this Permit.
- I.JK.1.2.b. Inspection Schedules, as required by 40 CFR 264.15(b)(2) and this Permit.
- I.JK.1.2.c. ————Personnel training documents and records, as required by 40 CFR 264.16(d) and this Permit.
- I.JK.1.2.d. Contingency Plan, as required by 40 CFR 264.53(a) and this Permit.
- I.JK.1.2.e. ————Operating record, as required by 40 CFR 264.73 and this Permit.
- I.JK.1.2.f. ————Closure Plan, as required by 40 CFR 264.112(a) and this Permit.

- I.K.3. Annually adjusted cost estimate for facility closure, as required by 40 CFR 264.142(d) and this Permit.
- I.K.4. Construction certifications specified in 40 CFR 264.192(g) for the proposed hazardous waste storage tanks (see Permit Condition IV.A.).
- I.K.5. All other documents required by Permit Condition I.E.9.

IV.B. PERMITTED AND PROHIBITED WASTE

- IV.B.1. The Permittee shall operate and maintain the hazardous waste tank(s) in accordance with 40 CFR 264, Subpart J and the specification and design criteria submitted in the Part B Permit Application. The Permittee is allowed to store hazardous wastes identified in the Attachment A of this Permit in the tanks described in Permit Condition IV.A., subject to the terms of this Permit. The storage of any hazardous waste(s) received from any off site source at any other tank storage system is prohibited.
- IV.B.2. The Permittee is allowed to store a maximum volume of one hundred ninety thousand (190,000) gallons of hazardous waste at the facility, provided that the maximum capacity of each tank specified in Table IV.DB. is not exceeded, subject to the terms of this Permit.

Table IV.DB.

